

## SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

### PART 2805—PUBLICIZING CONTRACT ACTIONS

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AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(c); 28 CFR 0.75(j) and 0.76(j).

#### Subpart 2805.2—Synopsis of Proposed Contract Actions

##### **2805.201–70 Departmental notification.**

(a) A copy of each synopsis of a proposed contract action sent to the Department of Commerce, shall be furnished to the Director, Office of Small and Disadvantaged Business Utilization (OSDBU), Justice Management Division.

(b) Contracting officers shall document, in the contract file, that a copy of the notice has been forwarded to the OSDBU. A “cc” to the OSDBU on the file copy of the CBD notice shall be considered adequate documentation.

[57 FR 24557, June 10, 1992]

#### Subpart 2805.3—Synopsis of Contract Awards

##### **2805.302–70 Departmental notification.**

(a) The contracting officer shall forward a copy of the synopsis of contract award, as prepared under FAR 5.302, to the Director, Office of Small and Disadvantaged Business Utilization (OSDBU), Justice Management Division.

(b) Contracting officers shall document in the contract file that a copy of the notice has been forwarded to the

OSDBU. A “cc” to the OSDBU on the file copy of the CBD notice shall be considered adequate documentation.

[57 FR 24557, June 10, 1992]

#### Subpart 2805.5—Paid Advertisements

This subpart provides policies and procedures for the procurement of paid advertising as covered by 5 U.S.C. 302, 44 U.S.C. 3701, 3702, and 3703, and title 7, chapter 5–25.2, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

[50 FR 4455, Jan. 30, 1985]

##### **2805.502 Authority.**

(a) Authorization for paid advertising is required for newspapers only. Pursuant to 28 CFR 0.140, the authority to approve publication of paid advertisements in newspapers has been delegated to the officials listed in 2801.601(a). This authority may be re-delegated as appropriate.

(b) The authority to approve the publication of advertisements, notices, or proposals pursuant to litigation has been delegated by memorandum by the AAG/A to the heads of the OBDs with the power of redelegation.

(c) Authority to purchase paid advertising must be granted in writing by an official delegated such authority. No advertisement, notice, or proposal will be published prior to receipt of advance written authority for such publication. No voucher for any such advertisement or publication will be paid unless there is presented, with the voucher, a copy of such written authority. Authority shall not be granted retroactively.

[50 FR 4455, Jan. 30, 1985, as amended at 60 FR 40109, Aug. 7, 1995]

##### **2805.503–70 Procedures.**

(a) Agency officials exercising the authority delegated by 2805.502(a) and (b) shall do so in accordance with the procedures set forth in FAR 5.503 and those set forth below.

(b) Requests for procurement of advertising shall be accompanied by written authority to advertise or publish which sets forth justification and includes the names of newspapers or journals concerned, frequency and dates of proposed advertisements, estimated cost, and other pertinent information.

(c) Paid advertisements shall be limited to publication of essential details of invitations for bids and requests for proposals including those for the sale of personal property and for the recruitment of employees.

(d) Optional Form 347, Order for Supplies or Services, or an approved agency form, shall be used for procurement and payment of paid advertising. Procedures for payment of vouchers are contained in title 7, chapter 5-25.2, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

[50 FR 4455, Jan. 30, 1985, as amended at 56 FR 26341, June 7, 1991]

## PART 2806—COMPETITION REQUIREMENTS

### Subpart 2806.3—Other Than Full and Open Competition

Sec.

2806.302 Circumstances permitting other than full and open competition.

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2806.302-70 Determination and findings.

2806.303-2 Content.

2806.304 Approval of the justification.

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2806.501 Requirement.

2806.502 Duties and responsibilities.

AUTHORITY: 28 U.S.C. 510; 40 U.S.C. 486(e); 28 CFR 0.75(j) and 0.76(j).

### Subpart 2806.3—Other Than Full and Open Competition

**2806.302 Circumstances permitting other than full and open competition.**

**2806.302-7 Public interest.**

**2806.302-70 Determination and findings.**

(a) *Procedure.* The determination and findings (D&F) required by FAR 6.302-

7(c)(1) shall be prepared in the format provided in paragraph (b) below. The original and two copies of the D&F and documentation supporting the use of this exception to the requirement for full and open competition shall be submitted to the Office of the Procurement Executive for concurrence and coordination up to the Attorney General for signature.

(b) *Format.* The following format shall be used for the D&F:

Department of Justice, Washington, DC 20530.

Determination and Findings.

Authority To Use Other Than Full and Open Competition

Upon the basis of the following findings and determination, which I hereby make pursuant to the authority of 41 U.S.C. 253(c)(7) as implemented by FAR 6.302-7, it is in the public interest to provide for other than full and open competition in the contract action described below.

#### FINDINGS

1. The (1) proposes to enter into a contract for the acquisition of (2).

2. Use of the authority cited above is necessary and in the public interest for the following reasons: (3).

#### DETERMINATION

For the reasons described above, it is necessary and in the public interest to use procedures other than competitive procedures in the proposed acquisition.

Date \_\_\_\_\_

#### Notes:

- (1) Name of contracting activity.
- (2) Brief description of supplies or services.
- (3) Explain the need for use of the authority.

[56 FR 26341, June 7, 1991]

### 2806.303-2 Content.

In addition to the information required by FAR 6.303-2, justifications over \$10,000,000 shall contain the following documents:

(a) A written Acquisition Plan as required by FAR 7.102 and DOJ Order 2300.5A. If a plan was not prepared, explain why planning was not feasible or accomplished.

(b) A copy of the CBD announcement or proposed announcement in accordance with the requirements of FAR 5.203.